

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

KRYSTOPHER ANTONIO MYERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-08-636-D
	)	
TIMOTHY BIRD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

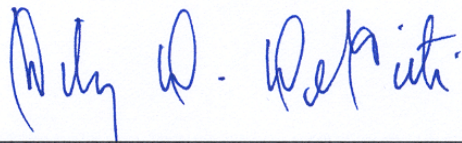
**ORDER**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Doyle W. Argo pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Argo recommends the dismissal without prejudice of Plaintiff's claims against Defendants Oklahoma County Detention Center and Sheriff John Whetsel. Plaintiff has neither filed a timely objection nor requested additional time to object, although he was expressly advised of his right to object and the deadline for objections. The Court finds that Plaintiff has waived further review of the issues addressed in the Report.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 21] is ADOPTED in its entirety. The Motion to Dismiss of Defendants Oklahoma County Detention Center and Sheriff John Whetsel [Doc. No. 18] is GRANTED. Defendants Oklahoma County Detention Center and Sheriff John Whetsel are DISMISSED without prejudice to refiling.

The case remains under referral to Judge Argo under 28 U.S.C. § 636(b)(1)(B) for further proceedings regarding Defendants Timothy Bird and Officer Hultman.

IT IS SO ORDERED this 31<sup>st</sup> day of March, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE